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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,241	08/13/2001	Stephen F. Gass	SDT 305	8808
27630	7590	12/30/2003		
SD3, LLC 22409 S.W. NEWLAND ROAD WILSONVILLE, OR 97070			EXAMINER ASHLEY, BOYER DOLINGER	
			ART UNIT 3724	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/929,241

Applicant(s)

GASS ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 10-14, 16, 19 and 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15, 17, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5, 7. 6) ☐ Other: _____

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DETAILED ACTION

It should be noted that for the purpose of this office action the below rejections under 35 U.S.C. 101 (double patenting) are being made under the assumption that the applications were not commonly owned at the time of applicant's invention. It should further be noted that rejections under 35 U.S.C 102(a) and 102(e) using the same U.S. Patent Applications/Publications have not been made because they do qualify as prior art as their filing dates are not before the filing date of the instant application.

Additionally, it should be noted that the below double patenting rejections are based upon known and available co-pending applications and although it is believed that all appropriate rejections have been made, Applicant's help in determining all appropriate double patenting rejections with all of Applicant's applications is requested because of the large number of similar applications.

Election/Restrictions

1. Applicant's election of Species I (claims 1-8, 9-12, 15-21) and Species X (claims 5-7 and 22-26) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 10-14, 16, 19, and 22-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

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Priority

3. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e).

See 37 CFR 1.78.

SPECIAL CIRCUMSTANCES OF THIS APPLICATION:

4. Even if a copending application is listed as a parent to the instant application and material information is technically of record in one or more parent applications, the unusually large number of applicant's cases in varying stages of the examination process might result in one or more parent applications not being readily available for review, or material information of record not being readily apparent. Applicant should point out such material information to the examiner of the instant application if the criteria for materiality applies, and if the examination record provides applicant reason to believe such information has not been considered by the examiner.

If, to the best of applicant's knowledge, applicant has no previous patent or copending application, which would meet the definition of "material," applicant is requested to make a statement of that fact of record.

Any parent application labeled as a CIP or Divisional is assumed to claim a patentably distinct invention from the claims of this application and therefore the issue of double patenting has not been considered and the rights to priority are limited to the common disclosed subject matter unless it is brought to the examiners attention that some claims are not distinct.

37 CFR 1.56 is cited here:

37 CFR 1.56. Duty to disclose information material to patentability.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

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Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/100,211, U.S. Patent Application Publication 2002/0170399 in view of Lokey, U.S. Patent 3,785,230.

Application '211 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '211 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant

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application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

7. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/100,211, U.S. Patent Application Publication 2002/0170399 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '211 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

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8. Claims 1-8, and 20-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/929,227, U.S. Patent Application Publication 2002/0020271 in view of Lokey, U.S. Patent 3,785,230.

Application '227 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '227 lacks that specific language that the blade is rotatable as well as the brake pawl pivots into the blade. However, Lokey discloses that it is old and well known in the art to use rotatable saw blades with woodworking tools as well as to use brake pawls that pivots into the blade in order to positively and quickly stop the rotating blade before a user is injured. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the combination of a rotating blade, detection system and a pivoting braking mechanism in order to positively and quickly stop the rotating blade before a user is injured.

As to claims 2-4, the modified claims of application '227 substantially claims the invention claimed by the instant application '241 except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a

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worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claims 8 and 21, the modified claims of application '227 substantially claims the invention claimed by the instant application '241 except for the brake mechanism being self locking. However, Lokey discloses that it is old and well known in the art to use self-locking brake pawls for the purpose of ensuring braking of the blade. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the braking mechanism as a self locking type in order to further ensure positive braking and maintained stopping of the blade.

This is a provisional obviousness-type double patenting rejection.

9. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/929,227, U.S. Patent Application Publication 2002/0020271.

The claims of application '227 substantially claims the invention as claimed by the instant application '241 including a cutting tool with teeth, a motor, a detection system, and a braking mechanism including an engagement member even though different terminology is used for the same subject matter. In this case, application '227 lacks the specific brake pawl material being formed of metal. However, it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

10. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/929,227, U.S. Patent Application Publication 2002/0020271 in view of Lokey, U.S. Patent 3,785,230.

Application '227 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '227 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one

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having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

11. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 09/929,227, U.S. Patent Application Publication 2002/0020271 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '227 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

12. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of

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copending Application No. 10/052,274, U.S. Patent Application Publication

2002/0059854 in view of Lokey, U.S. Patent 3,785,230.

Application '274 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '274 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

13. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of

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copending Application No. 10/052,274, U.S. Patent Application Publication 2002/0059854 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '274 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

14. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-7, 10, 14, and 20 of copending Application No. 10/050,085, U.S. Patent Application Publication 2002/0055349 in view of Lokey, U.S. Patent 3,785,230.

Application '085 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '085 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

15. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-7, 10, 14, and 20 of copending Application No. 10/050,085, U.S. Patent Application Publication 2002/0056349 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '085 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art

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at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect.

This is a provisional obviousness-type double patenting rejection.

16. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,238, U.S. Patent Application Publication 2002/017179 in view of Lokey, U.S. Patent 3,785,230.

Application '238 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '238 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known

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material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

17. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,238, U.S. Patent Application Publication 2002/017179 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '238 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

18. Claims 1-8, and 20-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/215,929, U.S. Patent Application Publication 2002/0037651 in view of Lokey, U.S. Patent 3,785,230.

Application '929 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism

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even though different terminology is used for the same subject matter. In this case, application '929 lacks that specific language that the brake pawl pivots into the blade. However, Lokey discloses that it is old and well known in the art to use rotatable saw blades with brake pawls that pivots into the blade in order to positively and quickly stop the rotating blade before a user is injured. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the combination of a rotating blade, detection system and a pivoting braking mechanism in order to positively and quickly stop the rotating blade before a user is injured.

As to claims 2-4, the modified claims of application '929 substantially claims the invention claimed by the instant application '241 except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claims 8 and 21, the modified claims of application '929 substantially claims the invention claimed by the instant application '241 except for the brake mechanism being self locking. However, Lokey discloses that it is old and well known in the art to use self-locking brake pawls for the purpose of ensuring braking of the blade. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into

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engagement with the blade thereby causing a binding effect between the brake and blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the braking mechanism as a self locking type in order to further ensure positive braking and maintained stopping of the blade.

This is a provisional obviousness-type double patenting rejection.

19. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/215,929, U.S. Patent Application Publication 2002/0037651.

The claims of application '929 substantially claims the invention as claimed by the instant application '241 including a cutting tool with teeth, a motor, a detection system, and a braking mechanism including an engagement member even though different terminology is used for the same subject matter. In this case, application '929 lacks the specific brake pawl material being formed of metal. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

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20. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/215,929, U.S. Patent Application Publication 2002/0037651 in view of Lokey, U.S. Patent 3,785,230.

Application '929 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '929 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

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21. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/215,929, U.S. Patent Application Publication 2002/0037651 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '929 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

22. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,240, U.S. Patent Application Publication 2002/0020263 in view of Lokey, U.S. Patent 3,785,230.

Application '240 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '240 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well

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known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

23. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,240, U.S. Patent Application Publication 2002/0020263 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '240 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a

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wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

24. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 09/929,236, U.S. Patent Application Publication 2002/0020261 in view of Lokey, U.S. Patent 3,785,230.

Application '236 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '236 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it

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has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

25. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of copending Application No. 09/929,236, U.S. Patent Application Publication 2002/0020261 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '236 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

26. Claims 1, 5-7, and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,235, U.S. Patent Application Publication 2002/0017184. Although the conflicting claims are not identical, they are not patentably

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distinct from each other because they differ in claim terminology only but encompass the same subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

27. Claims 2-4 and 9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 09/929,235, U.S. Patent Application Publication 2002/0017184 as applied to claim 1 above and further in view of the following.

The claims of application '235 substantially claim the invention as claimed by the instant application '241 except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

28. Claims 8 and 21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of U.S. Patent No. 09/929,235, U.S. Patent Application Publication 2002/0017184 as applied to claim 1 above and further in view of Lokey, U.S. Patent 3,785,230.

The claims of application '235 substantially claim the invention as claimed by the instant application '241 except for the brake mechanism being self locking. However, Lokey discloses that it is old and well known in the art to use self-locking brake pawls for the purpose of ensuring braking of the blade. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the braking mechanism as a self locking type in order to further ensure positive braking and maintained stopping of the blade.

This is a provisional obviousness-type double patenting rejection.

29. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,235, U.S. Patent Application Publication 2002/0017184 in view of Lokey, U.S. Patent 3,785,230.

Application '235 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '235 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

30. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 09/929,235, U.S. Patent Application Publication 2002/0017184 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '235 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art

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at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect.

This is a provisional obviousness-type double patenting rejection.

31. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 12, and 17 of copending Application No. 09/929,221, U.S. Patent Application Publication 2002/0017336 in view of Lokey, U.S. Patent 3,785,230.

Application '221 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '221 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known

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material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

32. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9, 12, and 17 of copending Application No. 09/929,221, U.S. Patent Application Publication 2002/0017336 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '221 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

33. Claims 1-8, and 20-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/929,426, U.S. Patent Application Publication 2002/0017176 in view of Lokey, U.S. Patent 3,785,230.

Application '426 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism

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even though different terminology is used for the same subject matter. In this case, application '426 lacks that specific language that the blade is rotatable as well as the brake pawl pivots into the blade. However, Lokey discloses that it is old and well known in the art to use rotatable saw blades with woodworking tools as well as to use brake pawls that pivots into the blade in order to positively and quickly stop the rotating blade before a user is injured. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the combination of a rotating blade, detection system and a pivoting braking mechanism in order to positively and quickly stop the rotating blade before a user is injured.

As to claims 2-4, the modified claims of application '426 substantially claims the invention claimed by the instant application '241 except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claims 8 and 21, the modified claims of application '426 substantially claims the invention claimed by the instant application '241 except for the brake mechanism being self locking. However, Lokey discloses that it is old and well known in the art to use self-locking brake pawls for the purpose of ensuring braking of the blade. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the

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blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the braking mechanism as a self locking type in order to further ensure positive braking and maintained stopping of the blade.

This is a provisional obviousness-type double patenting rejection.

34. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/929,426, U.S. Patent Application Publication 2002/0017176.

The claims of application '426 substantially claims the invention as claimed by the instant application '241 including a cutting tool with teeth, a motor, a detection system, and a braking mechanism including an engagement member even though different terminology is used for the same subject matter. In this case, application '426 lacks the specific brake pawl material being formed of metal. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

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35. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/929,426, U.S. Patent Application Publication 2002/0017176 in view of Lokey, U.S. Patent 3,785,230.

Application '426 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '426 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

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36. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of copending Application No. 09/929,426, U.S. Patent Application Publication 2002/0017176 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '426 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

37. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 8, 10, 15, and 16 of copending Application No. 10/047,066, U.S. Patent Application Publication 2002/0056348 in view of Lokey, U.S. Patent 3,785,230.

Application '066 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '066 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well

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known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

38. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 8, 10, 15, and 16 of copending Application No. 10/047,066, U.S. Patent Application Publication 2002/0056348 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '066 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a

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wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

39. Claims 1-8, and 20-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13, and 18-19 of copending Application No. 10/189,027, U.S. Patent Application Publication 2003/0005588 in view of Lokey, U.S. Patent 3,785,230.

Application '027 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '027 lacks that specific language that the blade is rotatable as well as the brake pawl pivots into the blade. However, Lokey discloses that it is old and well known in the art to use rotatable saw blades with woodworking tools as well as to use brake pawls that pivots into the blade in order to positively and quickly stop the rotating blade before a user is injured. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the combination of a rotating blade, detection system and a pivoting braking mechanism in order to positively and quickly stop the rotating blade before a user is injured.

As to claims 2-4, the modified claims of application '027 substantially claims the invention claimed by the instant application '241 except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

As to claims 8 and 21, the modified claims of application '027 substantially claims the invention claimed by the instant application '241 except for the brake mechanism being self locking. However, Lokey discloses that it is old and well known in the art to use self-locking brake pawls for the purpose of ensuring braking of the blade. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim the braking mechanism as a self locking type in order to further ensure positive braking and maintained stopping of the blade.

This is a provisional obviousness-type double patenting rejection.

40. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13, and 18-19 of copending Application No. 10/189,027, U.S. Patent Application Publication 2003/0005588.

The claims of application '027 substantially claims the invention as claimed by the instant application '241 including a cutting tool with teeth, a motor, a detection

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system, and a braking mechanism including an engagement member even though different terminology is used for the same subject matter. In this case, application '027 lacks the specific brake pawl material being formed of metal. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

41. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13, and 18-19 of copending Application No. 10/189,027, U.S. Patent Application Publication 2003/0005588 in view of Lokey, U.S. Patent 3,785,230.

Application '027 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '027 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was

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made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

42. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 8-13, and 18-19 of copending Application No. 10/189,027, U.S. Patent Application Publication 2003/0005588 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '027 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect.

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This is a provisional obviousness-type double patenting rejection.

43. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/052,705, U.S. Patent Application Publication 2002/0056350 in view of Lokey, U.S. Patent 3,785,230.

Application '705 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '705 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

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This is a provisional obviousness-type double patenting rejection.

44. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 10/052,705, U.S. Patent Application Publication 2002/0056350 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '705 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

45. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 9, 14, and 15 of copending Application No. 09/929,244, U.S. Patent Application Publication 2002/0017182 in view of Lokey, U.S. Patent 3,785,230.

Application '244 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '244 lacks that specific language that the brake mechanism includes one or

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more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

46. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 9, 14, and 15 of copending Application No. 09/929,244, U.S. Patent Application Publication 2002/0017182 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '244 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking

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components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

47. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8-9, 16, and 18-19 of copending Application No. 09/929,234, U.S. Patent Application Publication 2002/0017178 in view of Lokey, U.S. Patent 3,785,230.

Application '234 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '234 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and

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brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

48. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8-9, 16, and 18-19 of copending Application No. 09/929,234, U.S. Patent Application Publication 2002/0017178 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '234 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

49. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/051,782, U.S. Patent Application Publication 2002/0066346 in view of Lokey, U.S. Patent 3,785,230.

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Application '782 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '782 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

50. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/051,782, U.S. Patent Application Publication

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2002/0066346 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '782 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect. This is a provisional obviousness-type double patenting rejection.

51. Claims 15 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/205,164, U.S. Patent Application Publication 2002/0020336 in view of Lokey, U.S. Patent 3,785,230.

Application '164 substantially claims the invention claimed by the instant application '241 including a moving blade, a detection system, and a brake mechanism even though different terminology is used for the same subject matter. In this case, application '164 lacks that specific language that the brake mechanism includes one or more metal braking components. However, Lokey discloses that it is old and well known in the art to use multiple braking components (24) for the purpose of facilitating quick braking speeds such that the brake binds against the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was

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made to claim multiple braking components with the claimed device of the instant application '241 in order to provide a quick braking of the blade. As to the claimed material for the braking components being metal, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use brakes made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

This is a provisional obviousness-type double patenting rejection.

52. Claim 17 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/205,164, U.S. Patent Application Publication 2002/0020336 in view of Lokey, U.S. Patent 3,785,230, as applied to claim 15 above and further in view of DeWoody et al., U.S. Patent 4,560,033.

Application '164 substantially claims the invention claimed by the instant application '241 except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect.

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This is a provisional obviousness-type double patenting rejection.

Comments on Commonly Assigned Applications

53. Claims 1-9, 15, 17-18, and 20-21 are directed to an invention not patentably distinct from the claims, see above, of commonly assigned applications, for the reasons stated above.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP § 2302). Commonly assigned applications, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee is required under 35 U.S.C. 103(c) and 37 CFR 1.78(c) to either show that the conflicting inventions were commonly owned at the time the invention in this application was made or to name the prior inventor of the conflicting subject matter. Failure to comply with this requirement will result in a holding of abandonment of the application.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications filed on or after November 29, 1999.

Claim Rejections - 35 USC § 102

54. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(f) he did not himself invent the subject matter sought to be patented.

55. Claims 1-9, 15, 17-18, and 20-21 are rejected under 35 U.S.C. 102(f) because the applicant did not invent the claimed subject matter.

It is not clear who actually invented the subject matter of claims 1-9, 15, 17-18, and 20-21 because each of the above co-pending applications have different inventive entities. Therefore, it is not clear which portion of the applications where invention by the same inventive entity of the instant application.

Claim Rejections - 35 USC § 103

56. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

57. Claims 1, 8 and 20-21 are rejected under 35 U.S.C. 102(b) as anticipated by Lokey, U.S. Patent 3,785,230, or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lokey.

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Lokey discloses the invention substantially as claimed, including for example, a rotatable blade (13) having one or more teeth (see Figure 2); a detection system (15/16/18/19/20) associated with the blade and capable of detecting a dangerous conditions; and a brake mechanism (10/21/29/23/25/24) capable of stopping the rotation of the blade if the dangerous condition is detected, wherein the blade mechanism includes at least one brake pawl (24) capable of pivoting in to the blade and the teeth of the blade depending upon the size of the blade.

In the alternative, even if it is argued that Lokey lacks a brake that pivots into the teeth of the blade, Lokey also discloses that it is old and well known in the art to use brake pawls (125) that are moved into engagement with the teeth of a blade for the purpose of positively stopping the blade quickly. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the pivoting braking pawls (24) of Lokey pivot into the teeth of the blade in order to positively stop the blade quickly.

As to claims 8 and 21, the device of Lokey and the modified device of Lokey both disclose the invention substantially as claimed including the brake mechanism being self- locking. Figure 3 of Lokey discloses that the pawls rotate in the same direction as the rotation of the blade; therefore, further rotation of the blade causes the brake pawls to rotate into engagement with the blade thereby causing a binding effect between the brake and blade.

58. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokey as applied to claim 1 above and further in view of the following.

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The device of Lokey and the modified device of Lokey both disclose the invention substantially as claimed except for the specific brake pawl material being either plastic, metal or aluminum. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or plastic or aluminum in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

59. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokey as applied to claim 1 above and further in view Baur, U.S. Patent 3,695,116.

The device of Lokey and the modified device of Lokey both disclose the invention substantially as claimed except for the spring for urging the brake into the teeth, a restraining mechanism for releasable holding the brake pawl spaced apart from the blade against the spring. Lokey and the modified device of Lokey disclose the use of electromagnetic/solenoid instead of a spring; however, there is disclose an engagement member of positioning the brake relative to the electromagnetic/solenoid. The electromagnetic/solenoid acts as a restraining mechanism for releasable holding the brake pawl spaced from the blade, wherein a mounting structure is spaced apart from the engagement member. See Figures 1-7.

Baur discloses that it is old and well known in the art to replace solenoids/electromagnetics with spring loaded actuators that are electrically responsive by tensioned wires (releasable restraining mechanism) for the purpose of providing fast

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acting, less expensive, and smaller devices that providing large mechanical forces.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a spring for urging the brake into engagement with the teeth in order to provide a fast acting, less expensive, smaller actuator that facilitates efficiency of the operation as taught by Baur.

60. Claim 9 is rejected under 35 U.S.C. 103(a) as obvious over Lokey.

Lokey discloses the invention substantially as claimed, including for example, a rotatable blade (13) having one or more teeth (see Figure 2); a detection system (15/16/18/19/20) associated with the blade and capable of detecting a dangerous conditions; and a brake mechanism (10/21/29/23/25/24) capable of stopping the rotation of the blade if the dangerous condition is detected, wherein the blade mechanism includes at least one brake pawl (125) capable of moving in to the teeth of the blade.

However, Lokey lacks the brake pawl engaging portion is formed of metal. it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a brake pawl made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

61. Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as obvious over Lokey.

Lokey discloses the invention substantially as claimed, including for example, a rotatable blade (13) having one or more teeth (see Figure 2); a detection system

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(15/16/18/19/20) associated with the blade and capable of detecting a dangerous conditions; and a brake mechanism (10/21/29/23/25/24) capable of stopping the rotation of the blade if the dangerous condition is detected, wherein the blade mechanism includes at least two braking pawls (24) capable of moving into the blade to stop it.

However, Lokey lacks the braking pawls being formed of metal. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use braking pawls made of metal or any other material capable of creating sufficient friction between the blade and brake in order to provide an effective braking force against the rotating blade, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

62. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lokey as applied to claim 15 above, and further in view of DeWoody et al., U.S. Patent 4,560,033.

The modified device of Lokey discloses the invention substantially as claimed except for the braking components having one or more ridges. However, DeWoody et al. discloses that it is old and well known in the art to use braking components with ridges (see Figure 4) for the purpose of facilitating braking by using a wedging effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to claim multiple braking components with one or more ridges in order to provide a quick braking of the blade by use of a wedging effect.

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Conclusion

63. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 703-308-1845. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Boyer D. Ashley
Primary Examiner
Art Unit 3724

Bda
December 22, 2003